

**NEWFIELDS PLANNING BOARD MEETING  
DECEMBER 18, 2008**

**Attendance:** William Meserve, John Hayden, James Daley, Selectmen's Representative Michael Woodworth, Michael Todd, Town Planner Clay Mitchell, Michael Price and Mark Bouzianis.

Chairman William Meserve called the meeting to order at 7:10pm.

**James & Mary Vienneau-Old Lee Road Subdivision-Map 208 Lot 25**

Attorney Battles and Jonathan Ring from Jones and Beach Engineering addressed the Board. Jim Daley recused himself from discussion because of being an abutter. Attorney Battles commented that he and the engineers met with Clay and reviewed the methodology as described under the conservation subdivision ordinance and how the baseline density was determined. Letters requesting waivers and a conditional use permit were submitted to the Board.

Jonathan Ring distributed different sets of plans the applicant has brought before the Board and gave a brief history of the project since the first meeting in June 2007. The Board reviewed the baseline density formula and bonuses for the 41.17 acre parcel. The baseline density is 10.19 and the revised plan dated December 18, 2008 has 10 house lots rather than the original 12. The applicant is no longer looking for two bonus lots. 68% of the land will remain open space and will be conveyed to the homeowners association.

Attorney Battles stated that changes have been made to the original plan to accommodate concerns of the Newfields Conservation Commission, NH DES and NH Fish and Game. The location of the roadway has been adjusted and two house lots, which were within proximity of the 100 year floodplain, have been eliminated. The current plan is consistent with the ordinance.

Bill Meserve commented that in his opinion, the open space layout does not meet the requirements of the conservation subdivision. The calculations of the required minimum open space include land in the 100 year floodplain and he believes that does not meet the intent of the conservation subdivision ordinance. Just because it is open space doesn't mean it should be included in the formula. He would like to see the calculations without the wetlands included. Mike Todd agreed that the 100yr floodplain should not be included in the acreage for the open space.

The open space calculations were reviewed and discussed. The applicant has reduced the wetlands buffer disturbance by 60% with this new plan. According to Jonathan Ring removing the wetlands from the calculations may affect the two bonus lots but the total number of 10 lots will not change. Attorney Battles added that from the perspective of this particular design it may not matter whether the

wetlands are included or not.

Bill Meserve was concerned with the configuration of the open space land and the intent of the conservation ordinance. In his opinion, the plan seems like a bunch of lots with strips of land between them for open space. Mike Price added that it seems it would be more effective to preserve larger areas of land rather than smaller areas that really don't connect.

Jonathan Ring said that any open space that can be preserved is preserved. Attorney Battles noted that section 11.7.3 of the ordinance does provide some flexibility with regard to non-contiguous open space land.

In Clay's opinion, the plan meets the criteria for open space. Out of the 20.5 acres minimum open space, 10 of it needs to be uplands, which it is. The ordinance doesn't say that all the open space must be contiguous with all the other open space. There just needs to be meaningful open space per parcel. The two open space areas are meaningful in terms of size, shape and natural resources.

Attorney Battles asked the Board's position on the configuration of the road now that it has been moved out of the buffer. He also asked if the Board agreed with the methodology and the baseline density and he referred to Clay's comments of December 18<sup>th</sup>. In summary, Attorney Battles would like a consensus from the Board that they are fine with the plan presented tonight. The Board had little objection. **There was a little grumbling from Meserve.**

The waiver requests were discussed. The first waiver would allow the perimeter buffer behind lots 9 & 10 to be less than 75 feet. This is due to the road relocation. A motion was made by John Hayden and seconded by Mike Todd to grant the waiver to reduce the wetlands buffer behind lots 9 & 10. All were in favor and the motion carried.

The second waiver request is to allow a reduction of the center line radius to 150 feet. Reducing the radius keeps the road out of the wetland buffer and will minimize the impact on the wetlands. A motion was made by Mike Todd and seconded by John Hayden to grant the waiver to allow a reduction in the centerline radius to 150 feet, contingent on the Road Agent's acceptance. All were in favor and the motion carried.

The conditional use permit was reviewed and discussed. In summary, two house lots have been eliminated to reduce the impacts on wetland buffers. An environmental impact assessment has been done by Gove Environmental and reviewed by Mark West. There have been substantive changes made to reduce the wetlands impact from 9,895 sf. to 4,205 sf.

Homeowner's documents have been drafted and provided to the town. Additional information will be added per the request of the Conservation Commission and

State. The covenants shall be enforceable by the Homeowners Association, Conservation Commission and Planning Board.

The open space shall be intended for foot traffic. There are no plans to establish trails of any kind.

Highlights of the improvements include the use of open bottom box culverts rather than pipe culverts, for the wildlife to move through the wetlands. Storm water will be treated with gravel wetlands which will make a big difference in the water quality and the roadway has been relocated to minimize the wetlands impact.

Bill Meserve commented that the plan is a substantial improvement over the previous one. He would like the Conservation Commission to take a look at the conditional use permit prior to taking action. Alison Watts commented favorably on the new plan. She would like to see Mark West's final comments from the previous plan he reviewed. Mr. West has not reviewed the plan before the Board tonight. Attorney Battles will forward the report to Alison.

A motion was made by John Hayden and seconded by Mike Todd to continue the hearing until next month's meeting. All were in favor and the motion carried.

Jeff Rallis an abutter to the Vienneau property asked the Board about providing him access to his property located in Newfields and Newmarket. Bill Meserve asked if they were the same abutters that attended the meeting in April 2008 and they were. Clay noted that there is nothing in our master plan that would require the Board to give access or to require the applicant to give access to abutters for future development. Mr. Rallis should contact the Vienneau's.

**Noah Tremblay & Marie Poole-34 Railroad Ave.**

Marie explained that she is withdrawing her request for a parking lot. The Board asked if a site plan had been submitted because of the recent change of use.

Marie stated that nothing has changed since the last site plan. There have always been tenants in the back building.

Mike Price noted that the Board had no idea the back building was being rented. As far as they knew, the only tenants occupying the premise were the woodworking shop and Color All. The new tenant out back has triggered a change of use and a new site plan is required.

Bill Meserve explained that Clay sent a letter dated Oct 21 to Marie outlining items that needed to be completed. An engineered plan is not required. A simple sketch and a written explanation of the new use are sufficient. The hearing will be continued next month.

### **Preliminary Discussion-Proposed Retail Route 85 & Route 108 Intersection**

Wayne Morrill from Jones & Beach addressed the Board. John Hayden recused himself from the Board because of being an abutter. Mark Bouzianis also recused himself because of being involved in the project. The applicant is proposing a 36,000 square foot retail building with access off of Route 108.

The total acreage of the lot would be 4.91 acres. It includes the Mastropietro lots and a small portion of the adjacent NHDOT parcel. The proposed design meets the parking regulations and the side and front buffer regulations. The applicant is working with abutting landowners to gain access onto Route 85 by going through the post office and veterinary lot. Wayne said the entire corner would be a retail development with the lots tied together. It would have a community type feel.

The applicant would like input from the Board regarding anything else they would like to see integrated in the design.

Bill Meserve reminded the applicant that the intent of our ordinance is to have a village look to the commercial development on Route 108. They will need to look closely at the architectural standards.

Parking on the site was discussed. The Board likes to see parking in the rear of the building rather than along Route 108. Wayne Morrill stated that in this case there is really no place to put the 186 required parking spaces. The proper landscaping and architecture will give that village look that the Board would like to see.

Mike Todd asked about the portion of land that is owned by NH DOT. Alex Vailas explained that they have been going through the process with the State and negotiating with DOT about acquiring a portion of their land. The DOT will continue to work out of the garage located on the parcel.

Traffic is definitely an issue and the State will determine the best traffic mitigation.

The type of proposed retail was not disclosed but it is intended for one use with one owner. It is not a Walmart.

Water and sewer were discussed. The cost of bringing the water line up from town versus on site water and sewer will have to be weighed before a decision is made.

The value of the project will be approximately \$2.5 million. Mark Bouzianis stated that this development will generate revenue for the Town without a significant impact on town services.

### **Zoning Ordinances & Amendments**

The Board discussed an ordinance for elderly housing in the industrial zone. Clay said the concern with age restricted housing is how much is wanted in the zone. The Board will need to decide if they want to set a limit on the number of units allowed. Clay suggests using the percentage method. The ordinance shall be controlled through site plan review. Details of the ordinance need to be discussed at a public hearing.

A public hearing will be held on December 30, 2008 at 7pm to draft and discuss ordinances and zoning amendments the Board wishes to bring forward for a vote in March 2009. The second required public hearing will be at the regularly scheduled January 15, 2009 Planning Board Meeting at 7pm.

Clay and Bill will meet with the Rockingham Planning Commission to prepare the Safe Routes to School Application for sidewalk grant money. They may want to speak with the Road Agent about the maintenance and width of the sidewalks.

A wind ordinance will also be discussed at the December 30<sup>th</sup> meeting.

Correspondence from Bill Davis was reviewed and Clay will respond to his letter.

A motion was made and seconded to adjourn the meeting at 10:20pm. The next regularly scheduled meeting will be Thursday January 15, 2009 at 7pm at the Newfields Town Hall.

Respectfully submitted,

Sue McKinnon